

**APPROVED MINUTES  
REGULAR MEETING OF THE SEA BRIGHT PLANNING/ZONING BOARD  
TUESDAY, February 26, 2019**

**ADMINISTRATIVE MATTERS**

**Call to Order**

Chairman Cunningham called the meeting to order at 7:32 p.m. and requested those present to join in the Pledge of Allegiance.

**Chairman's Opening Statement**

Chairman Cunningham offered the following Compliance Statement:  
The Borough of Sea Bright, in compliance with the Open Public Meetings Act, has provided the time, date and location of this meeting to at least two designated newspapers, published same in the Asbury Park Press, which is the official newspaper, filed notice with the Borough Clerk, posted notice on the bulletin board in the Borough Office and on the Borough website.

**Attendance Roll Call**

**Present:** Cashmore, Cunningham, DeGiulio, DeSio, Leckstein, Smith, Bills

**Not Present:** Duffy, Long, Nott, McGinley, Wray

**Also in attendance:** Board Attorney Kerry E. Higgins, Esq.  
Board Secretary Candace B. Mitchell

**Approval of the February 12, 2019 Minutes**

Boardmember Smith offered a motion to approve the minutes. Second offered by Boardmember Cashmore, and approved on the following roll call vote of eligible members:

Aye: Cashmore, DeSio, Smith

Nay: none

Abstain: Cunningham, DeGiulio, Leckstein, Bills

Absent: Duffy, Long, Nott, McGinley, Wray

**ITEMS OF BUSINESS**

**Memorialization of Resolution**

**RESOLUTION OF THE  
SEA BRIGHT PLANNING/ZONING BOARD  
DENYING MINOR SUBDIVISION  
RE: MMJD PROPERTIES, LLC  
26 Beach Street  
Block 10 Lot 21  
Sea Bright, New Jersey**

**WHEREAS**, MMJD Properties, LLC (the "Applicant") made application to the Planning/Zoning Board of Sea Bright (the "Board") for minor subdivision approval with variances for property known as Block 10, Lot 21 on the Tax Map of the Borough of Sea Bright, also known as 26 Beach Street; and

**WHEREAS**, Applicant has provided due notice to the public and all surrounding property owners as required by law, has caused notice to be published in the official newspaper in accordance with N.J.S.A. 40:55D-1 et seq. and, therefore, this Board has accepted jurisdiction of the application and has conducted public hearing on the matter at meetings on December 4, 2018 and January 22, 2019, at which time all persons having an interest in said application were given an opportunity to be heard; and

**WHEREAS**, the Applicant appeared and marked into evidence certain documents including the following:

- A-1: Jurisdictional Packet.
- A-2: Narrative of Intent
- A-3: Architectural Plans by Jeremiah Regan, AIA dated 4-5-18, revised to 9-1-18
- A-4: Minor Subdivision Plans prepared by Charles Surmonte dated 7-31-18
- A-5: Letter from Board engineer David Hoder dated 10-1-18
- A-6: Photo of house and property to east of subject
- A-7: Tax map sheet showing Beach and Center Street
- A-8: Package of letters to neighbors
- A-9: Front setback plan prepared by Charles Surmonte dated 11-21-18
- A-10: Photo of house looking west
- A-11: Photo of house looking east
- A-12: Illustrated rendering of proposed homes prepared by J. Regan
- A-13: Revised Architectural plans prepared by Jeremiah Regan revised to 1-8-19
- A-14: Revised letter from Board engineer David Hoder dated 1-14-19

**WHEREAS**, the Board considered the testimony and evidence presented and the Board makes the following findings of fact and conclusions of law:

1. The property is located in the Center of town on the West side of Ocean Avenue, five lots from the River. The lot has 50 feet of frontage on Beach Street. The Zone is R-3 Residential.

2. Craig Grant testified he is the 80% principal of the LLC and managing member. The application proposes to subdivide the existing 3376 s.f. lot into two 1,688 s.f., 25 foot wide lots, with depths of 67.58 feet. The site is located in the R-3 Zone and residential uses are permitted. The applicant has submitted architectural plans and proposing a 52 foot by 18'-4" home on the West lot and a 48' by 18' home on the East lot

3. The property is located in the FIRM Flood Zone AE with a minimum elevation in the AE zone with a BFE of 7.

4. Applicant is seeking the following variances:

Min. Lot Depth (feet)	60 Ft.	67.5 Ft.	67.5 Ft.
Min. Front Yard Setback <sup>1</sup>	5 Ft.	<b>0.7 Ft.</b>	<b>0.7 Ft.</b>
Min. Side Yard Setback (feet)	3 Ft.	3.3 Ft.	3.3 Ft.
<b>Min. Combined Side Yard Setback (feet)</b>	<b>6 Ft.</b>	<b>6.6 Ft.</b>	<b>6.6 Ft.</b>
Min. Rear Yard Setback (feet) <sup>2</sup>	15 Ft.	<b>2.9 Ft.</b>	<b>2.9 Ft.</b>
Max. Building Coverage	50%	<b>68.1 %</b>	<b>68.1%</b>
Max. Lot Coverage	70%	69.1 %	69.1 %
Max. Building Height (feet/Stories)	38/2.5 Stories	35 Ft.	35 Ft.

- Variance Requests are in **Bold**.

1. Front yard to the dwelling is 7.5 Ft.

2. Rear yard to dwelling is **11.2 Ft.** Rear yard to cantilever is **9.24 Ft.**

5. Applicant testified that the existing home is 85 years old, oddly located on the east property line. The rear of the house is 2" from the fence. The home is not elevated.

6. Applicant proposes a 2 ½ story elevated home with 4 bedrooms, measuring 2100 s.f. and 2 parking spaces on proposed lot 21.01. A smaller, 3 bedroom home is proposed for proposed 21.02.

7. Applicant testified that all lots on Beach Street are similar in size to the proposed lots, 25' x 67 ½'. Applicant opined that the proposed homes would be consistent with the neighborhood. The Board noted that this may be accurate for the southern side of Beach Street, but it was not for the northern side.

8. Neighbor John Higgins had concerns with the rear setback. Neighbor Jack Sanders questioned why Applicant did not propose a duplex which could meet setback requirements and accomplish the Applicant's goal of providing two residences. Mr. Sanders pointed out that the Master Plan did not recommend subdivision to smaller lots.

9. Neighbor John Taguer had concerns with the proximity of the proposed deck to his home. He felt that the 2.9' to the elevated deck would be loud and intrusive to his home and enjoyment of his property.

10. Architect Jeremiah Regan explained the proposed homes and provided a rendering. Applicant stipulated that the homes would look as presented on the illustration marked as A-12 including color scheme.

He noted that the front setback requirement is 5' and Applicant proposed 7.5' to the home, but .7' to the balcony. He noted the balcony was open.

Regan also pointed out that the rear setback to the cantilevered part of the home is 9.24'. to the ground floor portion is 11.2' and to the open deck was the 2.9' He felt this was not as obtrusive as the setback to the home was greater than the open deck. Neighbors pointed out that entertainment occurs on decks and that 2.9' was too close to the property line and neighboring homes.

11. Board member Cashmore questioned how the Applicant could improve the front and rear setbacks. Board members expressed their concerns that the setbacks were not sufficient and that the proposed development was too intense for the lots.

12. Neighbor Courtney Davis testified in opposition. She felt that this would be over-building and the houses would be on top of one another. She noted that both units were non-conforming. She and other neighbors expressed concern over the "bathtub effect" of adding more impervious area to an area already prone to flooding. Ms. Davis also stated that the front setback violation for the deck would affect her views.

13. The Applicant carried the hearing to review and make some adjustments to the plans. Applicant presented revised plans at the January 22, 2019 meeting. In this submission, the applicant revised the front setback on both homes from 0.7 ft. to 3.0 ft. (for the balcony), and the rear setback from 2.91ft to 4.40 ft (for the deck). Also, the building coverage was lowered from 68.07% to 63.69%, on both. All are still Variance conditions.

14. The Applicant testified that the depth of the proposed homes was reduced by 4'. Craig Grant testified that the front setback was the same as the neighbor to the east. He stipulated that all roof water collected to gutters/leaders which run under the sidewalk to the curb.

15. Grant noted that the existing home was 1.1' and .3' off the property line and the proposed development would improve those conditions. The walls will be fire rated.

16. Objector Courtney Davis questioned whether conforming homes could be built if the subdivision were to be granted. Other neighbors expressed concerns over the intensity of the development, placing two non-conforming homes on the same area where one non-

conforming home currently exists. Neighbors were concerned that the lot coverage violations would exacerbate flooding conditions. They also noted that the proposal would create two non-conforming lots with non-conforming structures on each.

17. Mr. Grant and the architect stated that they could not build conforming homes on the two lots as subdivided, but that all setbacks could be met and a conforming home built on the property without subdivision. Grant testified that he desired to subdivide and build two homes for financial reasons. The Board did not find this to be a special reason.

18. Board members were concerned with the over-intensification of the development of the property. Board members noted that there would be a decrease in the light, air and open space by the two non-conforming structures which were too large for the respective lots. The Board found no positive reasons to permit the creation of two non-conforming lots with non-conforming structures on each. Mayor Long questioned the need for a rear yard variance where 15' is required and the Applicant proposes 4'. Board members felt that the Applicant could make the structures conform as the property had more depth than required.

19. Several Board members pointed out that the two homes would not necessarily affect the flooding in the area. However, it was still felt that no positive reasons existed to grant the application. The property could be developed without variances. The Board found that the proposal was too intense and the non-conformities too severe so as to negatively impact the neighbors.

20. The Board noted that a new Master Plan had recently been adopted and the lot size standards for the R-3 zone remained unchanged. Accordingly, the Board found that the proposed subdivision would indeed have a detrimental impact on the zone plan.

21. The Board agreed that the proposed subdivision would negatively impact the character of the neighborhood and the zone plan. The Board felt that the creation of two non-conforming homes would not enhance the purpose of the master plan or zoning ordinance and would be out of character for the neighborhood as a whole.

22. The Board found that the proposed non-conforming subdivision would not be a benefit to the neighborhood or the town. The Board found that the purposes of the MLUL were not advanced by this proposal. The Board did not find any reasons advanced to deviate from the requirements of the zone plan.

23. Based on these findings, the Board finds that the application for minor subdivision to create two non-conforming lots with non-conforming structures be and hereby is DENIED.

**BE IT FURTHER RESOLVED** that this Resolution memorializes the action taken by the Planning/Zoning Board at its meeting of January 22, 2019; and

**BE IT FURTHER RESOLVED** that the Chairman and Board Secretary are hereby authorized to sign any and all documents necessary to effectuate the purpose of this Resolution; and

**BE IT FURTHER RESOLVED** that the Board Secretary is hereby authorized and directed to cause a certified copy of this Resolution to be sent to the Applicant, the Borough Clerk, the engineer and the zoning officer and to make same available to all other interested parties and to cause notice of this Resolution to be published in the official newspaper at the Applicant's expense.

I certify the foregoing to be a true copy of a Resolution by the Sea Bright Planning/Zoning Board memorialized on February 26, 2019.

*Candace B. Mitchell*

Candace B. Mitchell, Secretary  
Sea Bright Planning/Zoning Board

Adopted on a roll call on a motion by Councilman Leckstein  
and Seconded by Boardmember Bills

Vote: Cashmore - Abstain	Cunningham - Yes	DeGiulio - Yes
DeSio - Abstain	Duffy - Absent	Leckstein - Yes
Long - Absent	Nott - Absent	Smith - Yes
McGinley - Absent	Bills - Abstain	Wray - Absent

*David DeSio*

David DeSio, Vice Chairman  
Sea Bright Planning/Zoning Board

**Memorialization of Resolution**

**RESOLUTION OF THE SEA BRIGHT PLANNING/ZONING BOARD  
ACCEPTING WITHDRAWAL OF APPLICATION**

**RE: James LoBiondo  
3 Osborn Place  
Block 9 Lot 3  
Sea Bright, New Jersey**

**WHEREAS**, James LoBiondo (the "Applicant") made application to the Planning/Zoning Board of Sea Bright (the "Board") for property known as Block 9, Lot 3 on the Tax Map of the Borough of Sea Bright, also known as 3 Osborne Place for a 3 unit multi-family dwelling with conditional use and bulk variances; and

WHEREAS, after several hearings and re-designs, the Applicant has determined to withdraw the application for approval.

NOW, THEREFORE, BE IT RESOLVED by the Planning/Zoning Board of the Borough of Sea Bright that it accepts the withdrawal of application PBZB 2018-18

BE IT FURTHER RESOLVED that this Resolution memorializes the action taken by the Planning/Zoning Board at its meeting of February 12, 2019; and

BE IT FURTHER RESOLVED that the Board Secretary is hereby authorized and directed to cause a certified copy of this Resolution to be sent to the Applicant, the Borough Clerk, the engineer and the zoning officer and to make same available to all other interested parties and, if necessary, to cause notice of this Resolution to be published in the official newspaper at the Applicant's expense.

I certify the foregoing to be a true copy of a Resolution by the Sea Bright Planning/Zoning Board memorialized on February 26, 2019.

*Candace B. Mitchell*  
Candace B. Mitchell, Secretary  
Sea Bright Planning/Zoning Board

Adopted on a roll call on a motion by Boardmember Smith and Seconded by Boardmember Cashmore

Vote: Cashmore - Yes	Cunningham - Abstain	DeGiulio - Abstain
DeSio - Abstain	Duffy - Absent	Leckstein - Abstain
Long - Absent	Nott - Absent	Smith - Yes
McGinley - Absent	Bills - Abstain	Wray - Absent

*David DeSio*  
David DeSio, Vice Chairman  
Sea Bright Planning/Zoning Board

**Memorialization of Resolution**

**RESOLUTION OF THE SEA BRIGHT PLANNING BOARD/ZONING BOARD  
GRANTING EXTENSION OF MAJOR SUBDIVISION APPROVAL  
TO QIANG WANG  
BLOCK 30, LOTS 56,59,60,61 AND 62**

WHEREAS, the Sea Bright Planning Board previously granted major subdivision approval of Block 30, Lots 56,59,60,61 and 62 to create six new fully conforming lots; and

**WHEREAS**, the Applicant had been unable to proceed with the approved project due to CAFRA issues and for reasons placed on the record and requested an extension; and

**WHEREAS**, the Board found that the Applicant has been diligently pursuing all outside approvals and has been moving the project forward.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Zoning Board of the Borough of Sea Bright that it hereby grants two one year extension for the approved subdivision and project.

**BE IT FURTHER RESOLVED** that the Chairman and Board Secretary are hereby authorized to sign any and all documents necessary to effectuate the purpose of this Resolution; and

**BE IT FURTHER RESOLVED** that the Board Secretary is hereby authorized and directed to cause a certified copy of this Resolution to be sent to the Applicant, the Borough Clerk, the engineer and the zoning officer and to make same available to all other interested parties and, if necessary, to cause notice of this Resolution to be published in the official newspaper at the Applicant's expense.

I certify the foregoing to be a true copy of a Resolution by the Sea Bright Planning/Zoning Board memorialized on February 26, 2019.

*Candace B. Mitchell*

Candace B. Mitchell, Secretary  
Sea Bright Planning/Zoning Board

Adopted on a roll call on a motion by Boardmember DeSio  
and Seconded by Boardmember Smith

Vote: Cashmore - Yes	Cunningham - Abstain	DeGiulio - Abstain
DeSio - Yes	Duffy - Absent	Leckstein - Abstain
Long - Absent	Nott - Absent	Smith - Yes
McGinley - Absent	Bills - Abstain	Wray - Absent

*David DeSio*

David DeSio, Vice Chairman  
Sea Bright Planning/Zoning Board



**Memorialization of Resolution**

**RESOLUTION OF THE SEA BRIGHT PLANNING/ZONING BOARD  
GRANTING EXPANSION OF NON-CONFORMING USE AND BULK VARIANCE APPROVAL  
RE: Richard Perrin  
3 East Church Street  
Block 21 Lot 6  
Sea Bright, New Jersey**

**WHEREAS**, Richard Perrin (the "Applicant") made application to the Planning/Zoning Board of Sea Bright (the "Board") for property known as Block 21, Lot 6 on the Tax Map of the Borough of Sea Bright, also known as 3 East Church Street for expansion of the previously approved non-conforming use and bulk variances to add a deck to the single family; and

**WHEREAS**, the Applicant previously received approval for a single family home in the B-1 zone and bulk variances for minimum lot size where 3,000 sf is required and 901.25 sf was provided; minimum lot width where 50' is required and 21.03 was provided; minimum lot depth where 60' is required and 42.33' was provided; minimum side yard where 0' is required for B-1 zone for commercial structures, however 3' each and 6' both sides is required in the R-3 residential zone and 1.1' and .9' was provided; front yard setback where 25' on the east side is required and .7' is existing and .9' was provided; rear yard setback where 15' is required and 1' is existing; maximum lot coverage where 75% is permitted and 85.4% was existing and 83.7% was provided; building coverage where 50% is permitted and 85.4% was existing and 83.7% was provided; height variance where 33' maximum on this undersized lot is permitted and 35' was provided; and

**WHEREAS**, Applicant proposes a new second story deck 17' above ground, measuring 35'3 ¾" long by 10 to 12 feet wide; and

**WHEREAS**, Applicant has provided due notice to the public and all surrounding property owners as required by law, has caused notice to be published in the official newspaper in accordance with N.J.S.A. 40:55D-1 et seq. and, therefore, this Board has accepted jurisdiction of the application and has conducted public hearing on the matter at meetings on February 12,

2019, at which time all persons having an interest in said application were given an opportunity to be heard; and

WHEREAS, the Applicant appeared and marked into evidence certain documents including the following:

- A-1: Jurisdictional Packet
- A-2: Survey by Lakeland Surveying dated 4-30-18
- A-3: Architectural plans by Robert Krause dated 10-23-18

WHEREAS, the Board considered the testimony and evidence presented and the Board makes the following findings of fact and conclusions of law:

1. The property is in the B-1 zone which does not permit single family residential homes. The property has been used as a single family home for many years.
2. The Applicant received the bulk variances set forth above in 2017. Applicant proposes a new second story deck 17' above ground, measuring 35'3 ¼" long by 10 to 12 feet wide, following the line of the seawall. The deck will be pulled in 1' in the front and back and will run along the same setbacks as the house.
3. The subsequent purchase of a Borough owned lot by Applicant has made the lot more conforming since the prior variances were granted.
4. The architect/planner Robert Krause testified that the deck will be 3.2' from the rear line to the railing and 1.266' from the front line to the railing.
5. The Board noted that there will be no impact on the neighbors as the deck is facing the ocean.
6. The Board found that the deck will complement the house and be aesthetically pleasing.
7. The Board found that although it is an expansion of a pre-existing non-conforming use, the size of the lot has increased by the purchase of the additional land and the front/ocean facing deck will have no adverse impact. The deck which runs along the front of the home will allow better views of the ocean without affecting any other property.

8. The Board found that the requested bulk variances were not excessive and improved the safety, aesthetics, enjoyment and layout of the home.

9. The Board found that the proposal will not have a negative impact on the neighborhood or on the zone plan.

10. The Board found that the bulk variances are consistent with the neighborhood and the pre-existing dwelling. The proposed design and layout will make for a better and more aesthetically pleasing home.

11. The Planner testified that the proposed design promoted a desirable visual environment through creative development techniques, design and arrangement. The Board felt that the design fit the lot with its constrictions and was the best design for this property.

12. The Board found that the variances could be granted without any negative impact on the neighborhood and was not inconsistent with the zoning ordinance or zone plan.

13. After evaluating all of the evidence and testimony the Board found that the applicant has met the enhanced burden of proof as to the positive and negative criteria. The Board further found that the use with the deck was consistent with the goals of the Master Plan.

14. The "D" variance relief sought can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the Master Plan, Zone Plan and Zoning Ordinance for the reasons set forth above.

15. The Board found that the granting of the variances will have no substantial detrimental impact on surrounding properties nor will it substantially impair the intent and purpose of the zone plan and zoning ordinance.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning/Zoning Board of the Borough of Sea Bright that the Application for use variance for a second story deck with the bulk variances as set forth above is approved in accordance with the plans submitted and marked into evidence, subject to the following conditions:

## GENERAL CONDITIONS

1. The applicant shall submit proof of payment of all real estate taxes applicable to the property and payment of all outstanding and future fees and escrow charges, posting of all performance guarantees, if any, in connection with the review of this application prior to and subsequent to the approval of this application.

2. The applicant must obtain the approval of all necessary and appropriate governmental agencies and compliance with all governmental regulations, including but not limited to CAFRA, except those specifically waived or modified in this Resolution.

3. The applicant shall comply with all building, FEMA and fire codes including but not limited to, entrances and exits.

4. The accuracy and completeness of the submission statements, exhibits and other testimony filed with or offered to the Board in connection with this application, all of which are incorporated herein by reference and specifically relied by the Board in granting this approval. This condition shall be a continuing condition, which shall be deemed satisfied unless and until the Board determines (on Notice to the applicant) that a breach thereof.

5. All stipulations agreed to on the record, by the applicant.

6. In the event that any documents require execution in connection with the within approval, such documents shall not be released until all of the conditions of the approval have been satisfied unless otherwise expressly noted.

7. The Applicant shall pay to the municipality any and all sums outstanding for fees incurred by the municipality for services rendered by the municipality's professionals for review of the application for development, review and preparation of documents, inspections of improvements and other purposes authorized by the MLUL.

8. The Applicant shall furnish such Performance Guarantees and/or Maintenance Guarantee as may be required pursuant to the MLUL and the Sea Bright Ordinances.

9. No site work shall be commenced or plans signed or released or any work performed with respect to this approval until such time as all conditions of the approval have been satisfied or otherwise waived by the Board.

10. No mechanicals will be located beyond the building wall into the setbacks.

11. The Applicant will meet all building codes, including the number of windows permitted.

**BE IT FURTHER RESOLVED** that this Resolution memorializes the action taken by the Planning/Zoning Board at its meeting of February 12, 2019; and

**BE IT FURTHER RESOLVED** that the Chairman and Board Secretary are hereby authorized to sign any and all documents necessary to effectuate the purpose of this Resolution; and

**BE IT FURTHER RESOLVED** that the Board Secretary is hereby authorized and directed to cause a certified copy of this Resolution to be sent to the Applicant, the Borough Clerk, the engineer and the zoning officer and to make same available to all other interested parties and to cause notice of this Resolution to be published in the official newspaper at the Applicant's expense.

I certify the foregoing to be a true copy of a Resolution by the Sea Bright Planning/Zoning Board memorialized on February 26, 2019.

*Candace B. Mitchell*

Candace B. Mitchell, Secretary  
Sea Bright Planning/Zoning Board

Adopted on a roll call on a motion by Boardmember DeSio  
and Seconded by Boardmember Smith

Vote: Cashmore - Yes	Cunningham - Abstain	DeGiulio - Abstain
DeSio - Yes	Duffy - Absent	Leckstein - Abstain
Long - Absent	Nott - Absent	Smith - Yes
McGinley -- Absent	Bills - Abstain	Wray -- Absent

*David DeSio*

David DeSio, Vice Chairman  
Sea Bright Planning/Zoning Board

**Request for Administrative Approval for a Minor Plan Change**

PBZB No. 2018-023  
Gaiters Village, LLC  
150 Ocean Avenue, Block 34, Lots 4 and 4.01

Councilman Leckstein recused himself from this matter due to the inclusion of a "D" variance in the original application.

In attendance for the matter were Attorney Thomas J. Hirsch, Esq. and Engineer John J. Ploskonka, P.E., NJ License No. 15511

Mr. Hirsch explained that due to changes in code requirements since approval of the application, an additional set of internal stairs is now required in each building. Adding the stairs will create the need to expand each building by 9 feet. No additional variances will be required.

Chairman Cunningham stated that the change looks straightforward on the plans.

No one present in the public wished to make a statement or ask a question.

Members of the Board offered no further comments.

**Determination:**

Boardmember DeSio offered a motion to grant administrative approval for a change in plans to add a stairwell to each building for the purpose of code compliancy. Second was offered by Boardmember DeGiulio, and the approval was adopted upon the following roll call vote:

Ayes: Cashmore, Cunningham, DeGiulio, DeSio, Smith, Bills  
Nays: none  
Abstain: Leckstein  
Absent: Duffy, Long, Nott, McGinley, Wray

**New Application**

PBZB No. 2018-025

Bowie Real Properties, LLC

6 South Street, Block 14, Lot 18

Type of Application: Site Plan and Bulk Variance Approval to raise the existing home, with an addition to square off the rear of the house and utilize attic space

Councilman Leckstein rejoined the Board to hear this matter.

Attorney Higgins stated that she had reviewed the jurisdictional packet and found it to be in order, and that the Board has accepted jurisdiction of the application.

Attorney Higgins entered the following exhibits into evidence:

**A-1** Jurisdictional Packet

**A-2** Proposed Addition/Renovation Plan, dated 3/16/18, prepared by Catherine Franco, AIA, NJ RA AI11411, NJ PP 5416, consisting of two (2) sheets

**A-3** One (1) page of photos and illustration

**A-4** Survey of Property, dated 1/22/18, prepared by Michael J. Williams, Professional Land Surveyor, NJ License No. 25800, consisting of one (1) sheet

In attendance for the application were Attorney Rick Brodsky, Esq., and Architect Catherine Franco, AIA, NJ RA AI11411, NJ PP 5416

Mr. Brodsky introduced the application and listed the variances being sought: Minimum lot area of 1,485 sq. ft. is proposed and exists, whereas 1,800 sq. ft. is required; minimum lot depth of 45 ft. is proposed, whereas 60 ft. is required; front yard setback of .73 ft. exists, whereas 5 to 12 ft. is required; side yard setback of 13.03 ft. and 2.39 ft. exists, whereas 3 ft. is required; and rear yard setback of 2.02 ft. exists and 15 ft. is required.

Architect Catherine Franco was sworn in to testify, stated her credentials, and was accepted as an expert witness on a motion offered by Councilman Leckstein, seconded by Chairman Cunningham, and approved upon unanimous voice vote.

Ms. Franco described the application, testifying that the proposed changes to the existing property will match neighboring properties, and the changes being proposed will enhance the property. She stated that the proposal will provide parking for one vehicle underneath the elevated home.

Attorney Higgins offered clarification regarding the stairs not affecting the setbacks.

Boardmember DeSio pointed out that the plans show the air conditioning unit located in the setback on the east side of the home and asked if the unit can be relocated to the west side of the property. Ms. Franco replied that changing the location of the unit would be no problem.

Boardmember DeSio was concerned with public access and safety regarding the setback for the deck sitting only 3 ft. from the curb and asked whether it could be changed to 3 ft, 6 in. from the curb. Ms. Franco responded that the deck columns can be removed and the deck can be cantilevered, and, then, there would be no impediment to the sidewalk.

Chairman Cunningham stated that he had no objections at all and asked for an explanation of the pictures on Exhibit A-3. The photos were described as follows: photo of 6 South Street, the view if you look in the opposite direction, the view looking west, the view looking east, a photo of an aerial view looking from the south, and a photo of an aerial view looking from the north.

Attorney Higgins reviewed the agreed upon changes to the plans, stating that the revised plans need to show the removal of the columns, and that there will be no impediment to the sidewalk. She stated that the deck will be overhead, and Ms. Franco stated that it will be 4.04 ft. from the front property line. Ms Higgins asked that the agreed upon changes be put in the plans.

There was no member of the public wishing to speak and no member of the Board offering additional comments or questions.

**Determination:**

Councilman Leckstein offered a motion to grant site plan and variance approval. He stated that the property would be improved, and that the garage would offer the improvement of off-street parking. Second was offered by Boardmember Smith, who stated that the property would be in keeping with the rhythm of the street, and the approval was adopted upon the following roll call vote:

Ayes: Cashmore, Cunningham, DeGiulio, DeSio, Leckstein, Smith, Bills

Nays: none

Absent: Duffy, Long, Nott, McGinley, Wray

Chairman Cunningham announced a break between applications at 8:05 p.m.  
The meeting reconvened at 8:10 p.m.

**New Application**

PBZB No. 2019-002

Morph Solutions, LLC, c/o Bryce Weideman

572 Ocean Avenue, Block 25, Lot 14

Type of Application: Minor Site Plan Approval, Waiver of Site Plan Approval, Bulk Variance relief, and Use/"D" Variance relief for demolition of existing single-family home, construction of new single-family home, and construction of attached garage

Councilman Leckstein recused himself from this matter due to the inclusion of approval for a "D" variance in the application.

Attorney Higgins stated that she had reviewed the jurisdictional packet and found it to be in order, and that the Board has accepted jurisdiction of the application.

Attorney Higgins entered the following exhibits into evidence:

**A-1** Jurisdictional Packet

**A-2** Narrative of Intent, received 1/10/19

**A-3** Architectural Plans, prepared by Anthony M. Condouris, NJ State Licensed Architect, LIC # AI13804, dated 9/25/18, consisting of five (5) sheets

**A-4** Survey of Property, prepared by Charles Surmonte, PE and PLS, NJ Lic. No. 35885, dated 6/13/18, consisting of one (1) sheet

Attending in support of the application were Attorney Daniel Roberts, Esq. (for Kevin E. Kennedy,) Anthony M. Condouris, NJ State Licensed Architect, LIC # AI13804, and Bryce Weideman, who is the applicant and owner of Morph Solutions, LLC.

Board Attorney Higgins stated that the property has three front yards, one side yard, and no rear yard, since it fronts on Ocean Avenue, Shrewsbury Way, and Riverview Place. Ms. Higgins listed the variances being sought in the application: lot width of 40 ft., which is existing, where 50 ft. is required; Shrewsbury Way front yard setback of 8ft. where 25 ft. is required; side yard setback of 4 ft. where 7 ft. is required; building height of 38 ft. where 33



ft. is permitted on an undersized lot; and a 3 story building where 2 ½ stories are permitted. The height requires approval of a "D" use variance.

Bryce Weideman was sworn in to testify. He testified that he is the sole member of Morph Solutions, LLC, and purchased the property at 572 Ocean Avenue in the summer of 2018. He testified that he will sell his current home in Colts Neck when his children have graduated college and make the home in Sea Bright his primary residence.

Mr. Weideman plans to remove the existing two-car garage and stated that three cars will be able to park under the proposed home. There will be two garage doors on Shrewsbury Way and one garage door facing Riverview Place. The applicant also owns a lot across Ocean Avenue, which can be utilized for parking.

Attorney Daniel Roberts offered a package of photos to Ms. Higgins, who entered them into evidence:

**A-5** Packet of photos consisting of 18 pages

Chairman Cunningham asked if members of the public had any questions for Mr. Weideman.

Brian O'Malley, 3 Riverview Way, asked Mr. Weideman whether he had ever developed another house. Mr. Weideman answered that he had not.

Bruce Blaisdell, 5 Henry Lane, asked why the setback on Shrewsbury Way is 8 ft. Ms. Higgins answered that the required setback is 8 ft., and the setback is 14 ft. now. Attorney Higgins pointed out that the applicant is asking for setbacks of 25 ft. on Riverview Place, 25 ft. on Ocean Avenue, and 8 ft. on Shrewsbury Way.

Boardmember DeSio stated that with a lot having three front yards, one side yard, and no rear yard, it becomes "unbuildable." The Board can make a decision to grant approval for variances to make the lot "buildable."

Architect Anthony Condouris was sworn in to testify and, having appeared before this Board many times, was accepted as an expert witness. Mr. Condouris reviewed the architectural plans. He stated that the ground level will be garage space with three of four cars to be accommodated in the garages. One additional car may be able to be parked in the driveway.

There was a discussion regarding the height variance. Boardmember DeSio stated that the total height of the roof is 44 ft.' to 45 ft. to the peak, which makes for a very tall building on an exterior lot. He suggested that if the dormer was stepped in, the house would be considered 2 ½ stories instead of a 3 stories, and a "D" height variance would not be required. Ms. Higgins asked whether it would be possible to lower the height to 36 ft., and Mr. Condouris stated that it could be done, and that there are ways to lower it if it has to be done.

Chairman Cunningham asked if there would be steps to the rear deck and was answered there would not be.

Boardmember Bills asked about the possibility of adding a door on the east side of the home. Mr. Condouris stated that a front door could be added to the Ocean Avenue side of the home.

Attorney Roberts asked for permission to take a quick break for consultation with Mr. Weideman and Mr. Condouris. After an out-of-room consultation lasting from 9:47 to 9:50 p.m., the meeting resumed, and the applicant stipulated that the height would be reduced from 38 ft. to 36 ft., requiring a "C" variance instead of a "D" variance.

Attorney Higgins reviewed the setbacks and the variances needed.

There were no further questions or comments by the Board members, and the meeting was opened to the public.

Mr. O'Malley, 3 Riverview Way, was sworn in to testify. He stated that the proposed house will destroy the character of the neighborhood on Shrewsbury Way, that this will be a big house thrown on a small lot, is an abomination, and that he has lived in Sea Bright for thirteen years. He again questioned the LLC ownership of the applicant.

Ms. Higgins stated that the LLC ownership is irrelevant. She reiterated that the lot itself is not undersized. The lot has the square footage required.

Mr. Blaisdell, 5 Henry Lane, was sworn in to testify. He stated that he agrees with Mr. O'Malley that the proposed house is too big for the lot. He is also concerned with the setback off Shrewsbury Way.

Ms. Higgins answered that two of the setbacks are compliant and that the south side setback which is currently 4inches will be improved to 4 ft.

Mr. Weideman made a statement that it his intention to live in Sea Bright, not to "flip" a house.

Boardmember DeSio stated that the Board's decision is based on the rules.

Chairman Cunningham stated that the applicant is making some great improvements with the changes proposed.

Boardmember DeSio pointed out that houses are being built higher after the flood.

Boardmember Bills reiterated her suggestion for an improvement to be made by adding a door on the Ocean Avenue side of the house.

Ms. Higgins reiterated that the south setback and the height have been improved.

Dave Meyers, owner of 548 Ocean Avenue and 4 Atlantic Way, was sworn in. He commented that he would like the neighborhood houses to be consistent.

The public portion of the meeting was closed.

Board members made several comments:

Boardmember Cashmore clarified the location of the mechanicals, which will be placed in the attic and garage.

Boardmember Smith commented that the house will have great transitions, which have been softened with the changes made. The elements put together may be as good as they can be. The addition of this home will be an enormous change for the neighborhood, and it may be as good looking a house as you could put in there. It may be the best we can find with that particular lot. He also congratulated the architect.

Attorney Higgins clarified the change in the height variance requirement, from a "D" to a "C" variance after Boardmember DeGiulio asked for clarification.

Chairman Cunningham commented that the house was balanced with the proposed changes of lowering the height and softening the north and south sides by pulling in the gable. Also, he noted that the setbacks have been improved.

**Determination:**

Boardmember DeSio offered a motion to grant site plan and variance approval with revisions: the height will not exceed 36 ft., the gable element will be pulled in 2 ft. from the face of the building to eliminate the variance for 3 stories, and the plans will be revised to reflect these changes. Second was offered by Boardmember Cashmore, and the approval was adopted upon the following roll call vote:

- Ayes: Cashmore, Cunningham, DeSio, Smith, Bills
- Nays: DeGiulio
- Abstain: Leckstein
- Absent: Duffy, Long, Nott, McGinley, Wray

Chairman Cunningham asked whether there were any general comments from the public. There were no comments.

**CLOSING MATTERS**

**Meeting Announcement**

There being no other business before the Board, the Chairman made an announcement of the next meeting date, which is March 12, 2019. The meeting will be held at 7:30 p.m on the third floor of the Sea Bright Beach Pavilion, located at 1097 Ocean Avenue.

**Adjournment**

The meeting was adjourned at 9:19 p.m. on a motion offered by Boardmember Smith, seconded by Boardmember DeGiulio, and approved upon a unanimous voice vote by the Board members.

*Candace B. Mitchell*

Respectfully submitted, Candace B. Mitchell, Board Secretary